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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed August 3, 2007. In the Office Action, the Examiner notes that claims 1-25, 27 and 28 are pending and rejected. By this response, Applicants have amended claims 1, 2, 12, 13 and 28. Support for this limitation may be found in the Applicants' specification on at least page 10, lines 20-26.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

CLAIM OBJECTIONS

Claims 13 and 28 are objected to for various informalities. Responsive to the Examiner, the Applicants herein amend claims 13 and 28 as suggested by the Examiner. As such, the Applicants respectfully request the objections be withdrawn.

REJECTION OF CLAIMS 1-11 UNDER 35 U.S.C. §112, ¶1

Claims 1-11 are rejected under 35 U.S.C. §112, ¶1, as failing to comply with the written description requirement. The Applicants note that the citations previously submitted for the limitation "via said desired transmission channel" was incorrect. The Applicants respectfully submit that support for this limitation may be found on the Applicants' specification on at least page 17, lines 21-23, which read

"In the DIVA TV mode of operation, programs from a particular channel are captured and stored up to a fixed "window" of time. That is, the DIVA TV operating mode makes available the content provided during the previous "x" hours via that channel." (Emphasis added).

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Therefore, the Applicants respectfully submit that the limitation "via said desired transmission channel" is fully supported by the Applicants' specification. The Applicants apologize for any confusion caused by accidentally citing the wrong section of the application. As such, the Applicants respectfully request the rejection be withdrawn.

REJECTION OF CLAIMS 1-4, 7-17, 25, 27 AND 28 UNDER 35 U.S.C. §102

The Examiner has rejected claims 1-4, 7-17, 25, 27 and 28 under 35 U.S.C. §102(3) as being anticipated by Ellis et al. US2003/0149988A1 (hereinafter "Ellis"). Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. A method, comprising:
receiving audiovisual data from a desired transmission channel;
if said audiovisual data is not compressed according to a predetermined format, compressing said received audiovisual data according to said predetermined format;
storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes a plurality of content, wherein at least one of said plurality of content has a variable duration; and
in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter via said desired transmission channel. (Emphasis added.)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Ellis fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Ellis fails to teach or suggest at least that the storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes a plurality of content, wherein at least one of said plurality of content has a variable duration and in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having

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associated with it a first temporal parameter via said desired transmission channel, as recited in claim 1. For example, in a DIVA TV mode of operation, programs from a particular channel are captured and stored up to a fixed "window" of time. That is, the DIVA TV operating mode makes available the content provided during the previous "x" hours via that channel. (See Applicants' specification, p. 17, ll. 17-23, emphasis added.)

Ellis fails to anticipate the Applicants' invention because Ellis fails to teach or suggest at least that the storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes a plurality of content, wherein at least one of said plurality of content has a variable duration. Unlike, the Applicants invention Ellis teaches that when a user selects or designates a program for recording, the program guide generates a record request and transmits the request to the media server. (See Ellis, para. [0187], emphasis added). In contrast, Applicants' invention teaches that time shift scheduler generates a title plan, which is then provided to the Interactive Programming Guide system. (See e.g., Applicants' specification, p. 12, ll. 22-29).

In response, the Examiner seems to indicate that because the Applicants specification teaches in one embodiment that a title plan is generated by a user, that Ellis' teaching of user generated record requests reads on the limitation of "title plan generated by a time shift scheduler." (See Office Action, p. 3, ll. 11-21). The Applicants respectfully disagree. Notably, the Applicants claim the embodiment where the title plan is generated by the time shift scheduler and not a user. As noted by the Examiner, there are two separate embodiments for generating a title plan. The Applicants are claiming the one embodiment where the title plan is generated by the time shift scheduler. As such, the Applicants respectfully submit that the teachings by Ellis of user generated record requests do not read on limitation "title plan generated by a time shift scheduler."

Moreover, Applicants' invention teaches storing dynamically a plurality of content, wherein at least one of said plurality of content has a variable duration that is in the title plan. In other words, Applicants' invention provides dynamic storage of content

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having variable duration because the allocation of memory may be continually updated. (See e.g., Applicants' specification, p. 10, ll. 20-26). In contrast, Ellis is silent on this feature as well. Ellis appears to teach that a user may select a program that has a defined duration from an interactive programming guide. (See Ellis, para. [0087], [0133]; FIGs. 14d and 14e).

The Applicants note the Examiner response in the Office Action on page 4, lines 1-8. However, in light of the Applicants amendments, the Applicants respectfully submit that Ellis' teachings of multiple programs having different defined ending times does not read on the limitation of storing dynamically a plurality of content, wherein at least one of said plurality of content has a variable duration that is in the title plan. As previously argued, the Applicants' invention provides advantages over Ellis. For example, it is possible that Ellis' invention only captures an amount equivalent to the reserved time block on the program guide (e.g. 6 pm to 8 pm), thereby, not recording the entire sports event if the sporting event continued beyond the reserved time block.

In addition, Applicants invention teaches providing to a user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter via said desired transmission channel. In other words, the particular channel that programs are captured from is the same channel that provides the captured content. (See e.g., Applicants' specification, p. 17, ll. 17-23).

In contrast, as noted by the Examiner, Ellis teaches the use of a communication link for sending programming and recorded program files. The Applicants respectfully submit that a communication link is not equivalent to a transmission channel. For example, a transmission channel requires a user to tune to the desired transmission channel. In contrast a communication link, as taught by Ellis, is simply a pipe that passively transmits all the channels to the user television equipment. Therefore, Ellis fails to teach or suggest that the recorded program files are transmitted via said (i.e. the same) transmission channel.

Thus, Ellis does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Ellis and is patentable under 35 U.S.C. §102. Independent

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claims 2, 12 and 28 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 2, 12 and 28 also are not anticipated by Ellis and are patentable under 35 U.S.C. §102. Furthermore, claims 3-4, 7-11, 13-17 and 25 and 27 depend directly or indirectly from independent claims 2 and 12, while adding additional elements. Therefore, these dependent claims also are not anticipated by Ellis and are patentable under 35 U.S.C. §102 for at least the same reasons discussed above in regards to independent claims 1, 2, 12 and 28.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

REJECTION OF CLAIMS 5, 6 AND 17-21 UNDER 35 U.S.C. §103

The Examiner has rejected claims 5, 6 and 17-21 under 35 U.S.C. §103(a) as being unpatentable over Ellis et al. in view of Moeller et al. U.S. Patent No. 5,903,264 (hereinafter "Moeller"). Applicants respectfully traverse the rejection.

Claims 5, 6 and 17-21 depend directly or indirectly from independent claims 2 and 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claims 2 and 12. Accordingly, any attempted combination of the Ellis reference with any other additional reference(s), in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 5, 6 and 17-21 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

REJECTION OF CLAIMS 22-24 UNDER 35 U.S.C. §102

Claims 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Moeller and further in view of Youden et al. U.S. Patent 5,606,359 (hereinafter "Youden"). Applicants respectfully traverse the Examiner's rejection.

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Claims 22-24 depend directly or indirectly from independent claim 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claim 12. Accordingly, any attempted combination of the Ellis reference with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 22-24 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller and further in view of Youden.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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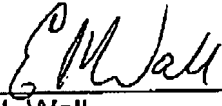
CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Chin (Jimmy) Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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